

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PRESTON C. EYERMAN,

Plaintiff,

vs.

UNITED ROAD TOWING, INC., *et al.*,

Defendants.

Case No. 2:12-cv-01368-RCJ-CWH

ORDER

This matter is before the Court on the parties' Joint Notice to the Court of Mediation (#16), filed on October 31, 2012. Although styled as a notice, the parties actually request a stay of discovery pending a mediation that had was scheduled for January 18, 2013.

Parties seeking a stay of discovery carry "the heavy burden of making a strong showing why discovery should be denied." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011) (citing *Turner Broadcasting System, Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997)). The Court finds that the parties have not met that heavy burden at this time. Indeed, the parties failed to bring a motion to stay discovery and did not provide any points and authorities regarding why a stay of discovery is warranted as required by Local Rule 7-2(c).

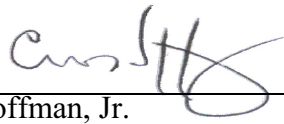
Moreover, the Court notes that Defendant filed an Answer on August 29, 2012. As a result, a proposed discovery plan and scheduling order was due by October 2, 2012. The fact that the parties informally postponed discovery while they engaged in settlement negotiations does not excuse the failure to file a proposed discovery plan and scheduling order in accordance with Local Rule 26-1. The parties are reminded that no stipulations are effective until approved by the Court, and that "[a]ny stipulation that would interfere with any time set for completion of discovery, for hearing of a motion, or for trial, may be made only with the approval of the Court." Local Rule 7-1(b).

1 Based on the foregoing and good cause appearing therefore,

2 **IT IS HEREBY ORDERED** that parties' Stipulation to stay all dates in this matter is
3 **denied.**

4 **IT IS FURTHER ORDERED** that a proposed discovery plan and scheduling order shall
5 be submitted to the Court within **ten (10) days** of this order or in the alternative, a motion to stay
6 with points and authorities shall be submitted within **ten (10) days** of this order.

7 DATED this 7th day of February, 2013.

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11 C.W. Hoffman, Jr.
12 United States Magistrate Judge
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